

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

This pleading relates only to this  
Title III case.<sup>2</sup>

(Jointly Administered)

Re: Dkts. 8297, 9099 and 9121.

AMENDED NOTICE OF APPEAL  
OF Dkts. 9099, 9121 AND 9352 WITH RESPECT TO  
CLAIMS No. 152470 & No. 152283

To THE HONORABLE COURT:

COME Now, creditors Jorge A. Diaz Mayoral and Juan A. Frau Escudero (“Movants”), by the undersigned counsel, and, appeals to the United States Court of Appeals for the First Circuit, under 28 U.S.C. § 158(d)(1), from the United States District Court for the District of Puerto Rico rulings and orders identified below:

1. The appellants, Jorge A. Diaz Mayoral and Juan A. Frau Escudero (hereinafter jointly “Movants”), are creditors of the Debtors and parties to the controversies in the rulings and orders subject to the appeal.

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566- LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations); and (vi) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

<sup>2</sup> This clarification is made in accordance to the Court’s *Order (A) Pursuant to PROMESA Section 304(G), Directing Joint Administration of Initial Title III Cases and Additional Title III Cases, and (B) Pursuant to Section 105(A) of The Bankruptcy Code, Making Certain Orders Entered on First Day Pleadings Applicable to the Additional Title III Cases*. See, Docket No. 167 at ¶ 5 of p. 4.

2. The rulings and orders subject of this appeal are:
  - a. Indicative ruling informed during the September 11, 2019 Hearing sustaining the *Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico To Claims Based On Investments In Mutual Funds* (Dkt. 8297) with respect to Movants' Claims No. 152470 and No. 152283. (Dkt. 8689, 8690);
  - b. Order entered on November 4, 2019 sustaining, in general, the *Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico To Claims Based On Investments In Mutual Funds* (Dkt. 8297). (Dkt. 9099);
  - c. Order entered on November 6, 2019 sustaining the *Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico To Claims Based On Investments In Mutual Funds* (Dkt. 8297) with respect to Movants' Claims No. 152470 and No. 152283. (Dkt. 9121); and
  - d. Order entered on November 26, 2019 denying the relief requested in Dkt. 9279. (Dkt. 9352)
3. The Movants appeal the above listed rulings and orders sustaining the *Sixty-Fourth Omnibus Objection* (Dkt. 8297) only with respect to Movants' Claims No. 152470 & No. 152283. (Dkts. 9099, 9121 and 9352).
4. The parties to the rulings and orders appealed from are the Movants and the Financial Oversight and Management Board as representative for the Commonwealth. The names, addresses and telephone numbers of the respective attorneys of the parties and other potentially interested parties are as follows:

FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO

O'NEILL & BORGES LLC  
Hermann D. Bauer  
herman@oneillborges.com  
250 Muñoz Rivera Ave., Suite 800  
San Juan, PR 00918-1813  
Tel: (787) 764-8181  
Fax: (787) 753-8944

PROSKAUER ROSE LLP  
Martin J. Bienenstock  
mbienenstock@proskauer.com  
Brian S. Rosen  
brosen@proskauer.com  
Eleven Times Square  
New York, N.Y. 10036  
Tel: (212) 969-3000  
Fax: (212) 969-2900

MUNGER, TOLLES & OLSON, LLP  
Donald B. Verrilli, Jr.  
Donald.Verrilli@mto.com  
Ginger D. Anders  
Ginger.Anders@mto.com  
Chad I. Golder  
Chad.Golder@mto.com  
Sarah G. Boyce  
Sarah.Boyce@mto.com  
Adele M. El-Khoury  
Adele.El-Khoury@mto.com  
1155 F Street N.W., Seventh Floor  
Washington, D.C. 20004-1357

OFFICE OF THE US TRUSTEE (UST)

Monsita Lecaroz Arribas,  
Monsita.Lecaroz@usdoj.gov  
USTP.Region21@usdoj.gov  
ustpregion21.hr.ecf@usdoj.gov  
Ochoa Building, 500 Tanca Street,  
Suite 301  
San Juan, PR 00901  
(787)729-7453

THE UNITED STATES OF AMERICA

U.S. DEPARTMENT OF JUSTICE, CIVIL  
DIVISION  
W. Stephen Muldrow  
w.stephen.muldrow@usdoj.gov  
Rosa E. Rodriguez-Velez  
rosa.e.rodriguez@usdoj.gov  
Mark Gallagher  
mark.gallagher@usdoj.gov  
Thomas G. Ward  
thomas.g.ward@usdoj.gov  
Jean Lin  
jean.lin@usdoj.gov  
Cesar A. Lopez-Morales  
cesar.a.lopez-morales@usdoj.gov  
Micheal Quinn  
michael.quinn3@usdoj.gov  
David S. Jones  
david.jones6@usdoj.gov  
Mathew Troy  
matthew.troy@usdoj.gov  
Jonathan Jacobson

jonathan.e.jacobson@usdoj.gov  
Laura Hunt  
laura.a.hunt@usdoj.gov  
Christopher K. Connolly  
christopher.connolly@usdoj.gov  
Ward. Benson  
ward.w.benson@usdoj.gov  
Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, D.C. 20530

PUERTO RICO FISCAL AGENCY AND  
FINANCIAL ADVISORY AUTHORITY

MARINI PIETRANTONI MUÑIZ LLC  
Luis C. Marini Biaggi  
lmarini@mpmlawpr.com  
Carolina Velaz Rivero  
cvelaz@mpmlawpr.com  
Mauricio O. Muniz Luciano  
mmuniz@mpmlawpr.com  
250 Ponce De León Ave., Suite 900  
San Juan, PR 00918  
(787) 705-2171

O'MELVENY & MYERS LLP  
John Rapisardi  
jrapisardi@omm.com  
Suzanne Uhland  
suhland@omm.com  
William J. Sushon  
wsushon@omm.com  
Daniel S. Shamah  
dshamah@omm.com  
7 Times Square  
New York, N.Y. 10036  
and  
Ashley Pavel  
apavel@omm.com  
Diana M. Pérez  
dperez@omm.com  
Madhu Pocha  
mpocha@omm.com  
M. Randall Oppenheimer  
roppenheimer@omm.com  
1999 Avenue of the Stars 8th Floor  
Los Angeles, California 90067-6035

and

Walter Dellinger  
wdellinger@omm.com  
Peter Friedman  
pfriedman@omm.com  
1625 Eye Street, NW  
Washington, D.C. 20006

Mohammad S. Yassin  
mohammad.yassin@aafaf.pr.gov  
Robert Sánchez Vilella (Minillas)  
Government Center  
De Diego Avenue, Stop 22  
San Juan, Puerto Rico 00907

OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS

CASILLAS, SANTIAGO & TORRES LLC  
Diana M. Batlle-Barasorda

dbattle@cstlawpr.com  
Alberto J. E. Añeses Negrón  
aaneses@cstlawpr.com  
Ericka C. Montull-Novoa  
emontull@cstlawpr.com  
El Caribe Office Building  
53 Palmeras Street, Ste. 1601  
San Juan, P.R. 00901-2419

PAUL HASTINGS LLP  
Luc A. Despins  
lucdespins@paulhastings.com  
Andrew V. Tenzer  
andrewtenzer@paulhastings.com  
Michael Comerford  
michaelcomerford@paulhastings.com  
G. Alexander Bongartz  
alexbongartz@paulhastings.com  
200 Park Avenue  
New York, N.Y. 10166

5. Movants have not had access to Dkt. 8690 (see Exhibit 1), but a copy of each of the Orders in Dkts. 9099, 9121 and 9352 are attached as Exhibits 2, 3 and 4.

WHEREFORE, the Movants herein, Mr. Diaz Mayoral and Mr. Frau Escudero, respectfully pray that this Honorable Court take note of the above Amended Notice of Appeal of the above listed rulings and orders.

CERTIFICATE OF SERVICE: I HEREBY CERTIFY that, on this same date, the foregoing has been filed with the Court's CM/ECF system, which will automatically send an exact copy to all parties so subscribed on this 10<sup>th</sup> day of December, 2019, including the attorneys for the Financial Oversight and Management Board as representative for the Commonwealth: Hermann D. Bauer and Daniel J. Pérez-Refojos, both of O'Neill & Borges, LLC and Martin J. Bienenstock of Proskauer Rose, LLP.

RESPECTFULLY SUBMITTED, in San Juan, PR, this 10<sup>th</sup> day of December, 2019.

Attorney for  
Jorge A. Díaz Mayoral and  
Juan A. Frau Escudero

s/Monique J. Díaz Mayoral  
Monique J. Díaz Mayoral  
USDC-PR No. 225712  
[diazmayorallaw@gmail.com](mailto:diazmayorallaw@gmail.com)  
P.O. Box 364134  
San Juan PR 00936-4134  
Tel. 787-552-2000  
Fax 1-888-620-2043